


Application Number 	Application/Control No. 10/688,691	Applicant(s)/Patent under Reexamination BHAT ET AL.
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Date Filed : 17 APR 2006	This patent is subject to a Terminal Disclaimer	

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Docket Number (Optional)

20717YCA

In re Application of: *Bhal, et al.*

Application No.: 10/688,691

Filed: October 17, 2003

For: NUCLEOSIDE DERIVATIVES AS INHIBITORS OF RNA-DEPENDENT RNA VIRAL
POLYMERASE

Isis Pharmaceuticals, Inc.

The owner*, and Merck & Co., Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of Prior Patent Nos. 6,777,395

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record.

 4/27/06
Signature Date


Signature

April 27, 2006
Date

Melvin Winokur of Merck & Co., Inc. / Empowered
to Act on Behalf Of Company

Grantland E. Bryce, J.D. of Isis Pharmaceuticals, Inc.
/ Empowered to Act on Behalf Of Company

Typed or Printed Name

Typed or printed name

☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to deposit account no. 13-2755.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail. In an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date shown below.

Dated:

Signature: _____

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Isis Pharmaceuticals, Inc. and Merck & Co., Inc.

Application No./Patent No.: 10/688,691

Filed/Issue Date: October 17, 2003

Entitled: NUCLEOSIDE DERIVATIVES AS INHIBITORS OF RNA-DEPENDENT RNA VIRAL POLYMERASE

Isis Pharmaceuticals, Inc. and Merck & Co., Inc.

, two

corporations

(Name of Assignee)

(Type of Assignee, e.g.,

states that it is:

corporation, partnership, university,
government agency, etc.)

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014753, Frame 0192,
OR or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Grantland E. Bryce, J.D.
Signature

Melvin Winokur
Signature

Grantland E. Bryce, J.D.

Printed or Typed Name

4/27/06

Date

Melvin Winokur

Printed or Typed Name

4/27/06

Date

Vice President and General Counsel of
Isis Pharmaceuticals, Inc.

Title

760-931-9200

Telephone Number

Managing Counsel, Patents of Merck
& Co., Inc.

Title

732-594-7234

Telephone Number

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